



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

**Notice of Motion and Motion to be Relieved as Counsel**

<b>DOD: 5/23/2005</b>		<b>JEFF S. SHEPARD</b> , attorney for Administrator, VIVIAN WEST, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		VIVIAN WEST was appointed Administrator on 08/23/05 without bond.	<u>Continued from 07/31/14</u> <b>As of 08/07/14, nothing further has been filed.</b>	
<b>Cont. from 041014, 061214, 073114</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Letters were issued on 08/24/05.	1. Need <i>Notice of Hearing</i> and proof of service of <i>Notice of Hearing</i> on Vivian West.	
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>	Inventory & Appraisal showing the value of the estate at \$190,700.00 was filed 12/12/05.		
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input type="checkbox"/>	<b>Notice of Hrg</b>			x
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	w/		<b>Petitioner states</b> that Vivian West has ceased all contact with his office. All correspondence and telephone calls have been ignored. Petitioner states that he has sent numerous letters to Ms. West regarding her duties as the personal representative of her mother's estate, but none of the letters have been acknowledged and the most recent letters have been returned as undeliverable. Petitioner states that he cannot continue as attorney for Vivian West due to her lack of cooperation and failure to perform her duties as administrator of the estate.
<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>			
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>		<b>Reviewed by:</b> JF <b>Reviewed on:</b> 08/07/14 <b>Updates:</b> <b>Recommendation:</b> <b>File 1A – Baker-Melton</b>	
<input checked="" type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>		Proof of Service filed 04/04/14 indicates that the Notice of Motion and Motion to be Relieved as Counsel and Declaration in Support of Attorney's Motion to be Relieved as Counsel – Civil was mailed to the Administrator at 3 different addresses.	
<input type="checkbox"/>	<b>FTB Notice</b>			

## Amended Waiver of Accounting and Petition for Final Distribution and for Allowance of Compensation

<b>DOD: 3-31-12</b>		<b>GREGORY TAYLOR</b> , Executor with Full IAEA without bond, is Petitioner.  Accounting is waived  I&A: \$504,522.95 POH: \$504,522.95 (\$205,522.95 cash plus real property)  Executor (Statutory): Waived  Attorney (Statutory): \$13,090.46  Distribution pursuant to decedent's will:  Mason Family Trust: Entire estate	<b>NEEDS/PROBLEMS/COMMENTS:</b>		
			<b>Note: Executor Gregory Taylor is a resident of West River, Maryland.</b>  <b>Continued from 7-15-14</b>  <b>It appears an amended petition may be necessary due to the following issues, which have not been addressed:</b>		
<b>Cont. from 071514</b>			1. <u>Prior Examiner Notes</u> stated: "Need Property Tax Certificate." This refers to #5 of the Inventory and Appraisal (Property Tax Certificate) filed 11-2-12, which is blank.  Petitioner attached a copy of the current property tax bill/statement to this petition; however, this does not address the issue.  <u>Need verified declaration</u> containing the information set forth in #5 of the I&A, which <u>certifies</u> that the requirements of Revenue and Taxation Code §480 have been satisfied by the filing of a change of ownership statement with the county recorder or assessor in the county in which the decedent owned property.  2. Further, the bill/statement that Petitioner attaches indicates that there are <u>delinquent taxes</u> that may jeopardize the property.  The Court may require clarification: Why was the estate's real property allowed to become delinquent during administration?  <p style="text-align: center;"><b><u>SEE ADDITIONAL PAGES</u></b></p>		
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>				
<input checked="" type="checkbox"/>	<b>Verified</b>				
<input checked="" type="checkbox"/>	<b>Inventory</b>				
<input type="checkbox"/>	<b>PTC</b>				X
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>				
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>				
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>				W
<input type="checkbox"/>	<b>Aff.Pub.</b>				
<input type="checkbox"/>	<b>Sp.Ntc.</b>				
<input type="checkbox"/>	<b>Pers.Serv.</b>				
<input type="checkbox"/>	<b>Conf. Screen</b>				
<input checked="" type="checkbox"/>	<b>Letters</b>				11-9-12
<input type="checkbox"/>	<b>Duties/Supp</b>				
<input type="checkbox"/>	<b>Objections</b>				
<input type="checkbox"/>	<b>Video Receipt</b>				
<input type="checkbox"/>	<b>CI Report</b>				
<input checked="" type="checkbox"/>	<b>9202</b>				
<input checked="" type="checkbox"/>	<b>Order</b>				
<input type="checkbox"/>	<b>Aff. Posting</b>				
<input type="checkbox"/>	<b>Status Rpt</b>				
<input type="checkbox"/>	<b>UCCJEA</b>				
<input type="checkbox"/>	<b>Citation</b>				
<input checked="" type="checkbox"/>	<b>FTB Notice</b>				
		<b>Reviewed by:</b> skc <b>Reviewed on:</b> 8-7-14 <b>Updates:</b> <b>Recommendation:</b> <b>File 6 - Mason</b>			

## Page 2

## NEEDS/PROBLEMS/COMMENTS (Continued):

3. Petitioner filed a "Trustee Acceptance of Trust" pursuant to Probate Code §10954; however, the document appears to confuse the trustee's acceptance of the trust with the executor's role in administering the decedent's estate.

The document states the trustee will "Administer the trust estate in accordance with the law and will of the testator," and will "File a final account (or waiver of) with the Court." These are duties associated with administration of this decedent's estate only, which is separate from administration of the trust created in 2004 by both the decedent and her spouse, Joseph Mason, who is not deceased, as settlors.

Acceptance of trust should reference and acknowledge the terms of the trust agreement. Therefore, need amended Acceptance of Trust.

4. Need declaration pursuant to Local Rule 7.12.5, setting forth the name of the trust, its establishment date, taxpayer ID number, verifying that the trust is in full force and effect, and that the trustee has an executed copy of the trust in possession.

Note: Examiner is confused by Petitioner's statement that the trust is "not funded." Is the Mason Family Trust of 2004 actually in existence? If not, the decedent's will does makes a provision for alternate distribution at Article Fifth and complete amendment of this petition will be necessary.

5. The Property On Hand Schedule lists the same exact amounts in each specific account as originally listed on the I&A as of the decedent's date of death (3-31-12), even though Petitioner states at Page 2, Line 24, that cash has been kept in interest-bearing accounts. Although accounting is waived, Cal. Rules of Court 7.550 requires the petition to state the property on hand. If this is the correct amount, then need clarification as to why these accounts have not earned any interest in over two years of estate administration. See also Duties and Liabilities of Personal Representative, #1.c. (Form DE-147, filed 10-31-12, signed by the Executor).

Note: The accounts listed include investment-type accounts at Morgan Stanley, as well as a "Western National Policy." Need clarification: Are these cash accounts? Why did they not earn interest? Alternatively, if they were converted to cash accounts, or consolidated, need explanation pursuant to Cal. Rules of Court 7.550.

6. There appears to be a typo in both the I&A and the POH Schedule – cash accounts add up to \$205,522.95 (subject to clarification re interest on the accounts, as noted above). This affects both statutory fees and the distribution as follows: If I&A is \$505,522.95, statutory compensation would be \$13,110.46, and distribution to the trust would be \$205,522.95 less \$13,110.46, or \$192,412.49 plus the real property, subject to clarification above. Need revised order.
7. The revised order should also include the legal description of the real property. Local Rule 7.6.1.A.

<b>Makenzie (11)</b>		<b>TEMP EXPIRES 7-8-14</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Christian (6)</b>			
		<b>JUDITH DICKISON-RYSKAMP and DEAN RHODUS</b> , Maternal Grandparents, are Petitioners.	<u>Minute Order 7-8-14</u> : Counsel represents that Judge McGuire in Family Court urged him to file this petition in Probate Court. Matter continued to 8-12-14. Temporary guardianship extended to 8-12-14.
<b>Cont. from 070814</b>		Father: <b>RYAN KEVORKIAN</b> Mother: <b>NAOMI KEVORKIAN</b> - Consents and waives notice	<b>Note</b> : Court records indicate that the family law matter was set for mediation on 7-17-14 and there is an upcoming hearing date set for 9-3-14. However, nothing further has been filed in either case.
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>	Paternal Grandfather: Randy Kevorkian Paternal Grandmother: Nancy Kevorkian	<b>1. As previously noted, there is an existing and presently pending Family Law action to which the Petitioners, Judith Dickison-Ryskamp and Dean Rhodus, the Maternal Grandparents, and Ryan Kevorkian and Naomi Kevorkian, the paternal grandparents, have all been participating are have now all been joined as parties.</b>
	<b>Inventory</b>		
	<b>PTC</b>	Siblings: Adrianna Kevorkian, Anthony Kevorkian, Chloe Kevorkian, Gabriel Kevorkian, Rhiannan Kevorkian (all half-siblings under age 12)	<b>Also as previously noted, the paternal grandparents had already filed a petition for visitation in that matter, 10CEFL05188, which was heard on 6-10-14.</b>
	<b>Not.Cred.</b>		
	<b>Notice of Hrg</b>	Siblings: Adrianna Kevorkian, Anthony Kevorkian, Chloe Kevorkian, Gabriel Kevorkian, Rhiannan Kevorkian (all half-siblings under age 12)	<b>At the hearing on 6-10-14 in Dept. 304, the Court set mediation dates and the parties stipulated to a visitation plan. The matter was continued to 9-3-14 in Dept. 304.</b>
	<b>Aff.Mail</b>		
	<b>Aff.Pub.</b>	<b>Petitioners state</b> see declarations attached in In Re Marriage of Kevorkian, Case No. 10CEFL05188 and the General Power of Attorney and Power of Attorney for Care of the Minor Children filed therein and attached hereto and incorporated herein by reference while including Dean Rhodus along with Judith Dickison Ryskamp.	<b>Pursuant to Local Rule 7.15.7, a petition for appointment of guardian of minor will not ordinarily be considered if there is a matter involving custody presently pending in the Family Law Court.</b>
	<b>Sp.Ntc.</b>		
✓	<b>Pers.Serv.</b>	Declaration signed by the attorney only filed separately attaches copies of documents previously filed in the family law matter in March 2014 by Petitioner Judith Dickison-Ryskamp and requests Judicial Notice.	<b>If this petition goes forward, the following issues remain:</b>
✓	<b>Conf. Screen</b>		
✓	<b>Letters</b>	<i>Note: No original verified declaration is provided in connection with this guardianship petition.</i>	<b>SEE ADDITIONAL PAGE</b>
✓	<b>Duties/Supp</b>		
	<b>Objections</b>	<b>Court Investigator Julie Negrete filed a report on 7-1-14.</b>	<b>Reviewed by: skc</b>
	<b>Video Receipt</b>		
	<b>CI Report</b>		<b>Reviewed on: 8-7-14</b>
	<b>9202</b>		
✓	<b>Order</b>		<b>Updates:</b>
	<b>Aff. Posting</b>		<b>Recommendation:</b>
	<b>Status Rpt</b>		
✓	<b>UCCJEA</b>		<b>File 12 - Kevorkian</b>
	<b>Citation</b>		
	<b>FTB Notice</b>		

Page 2

2. Need Notice of Hearing (mandatory Judicial Council Form GC-020).
3. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on the father, Ryan Kevorkian.
4. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on Randy Kevorkian and Nancy Kevorkian (paternal grandparents).

*Note: "Proof of Service" was filed 7-3-14 however, it does not contain the mandatory Notice of Hearing form and language required by the Probate Code, and does not reflect this hearing date or location.*

5. If this matter goes forward, need completed order (GC-240) and new Letters (GC-250).

The guardianship Order and Letters should not refer to other orders made or documents filed in other separate actions, including the existing family law matter and power of attorney.

<b>DOD: 4-12-13</b>	<b>JEOFFERY SPEER</b> was appointed Administrator with Full IAEA without bond on 11-18-13.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<u>Continued from 4-18-14, 6-6-14, 7-1-14</u>
<b>Cont from 041814, 060614, 070114</b>	Letters issued on 11-20-13.	<u>Minute Order 4-18-14:</u> No appearances. Matter continued to 6-6-14. The Court orders Jeoffery Speer to be personally present on 6-6-14 if the inventory and appraisal has not been filed. A copy of the minute order was mailed to Mr. Speer on 4-18-14.
<b>Aff.Sub.Wit.</b>	At the hearing on 11-20-13, the Court set this status hearing for the filing of the Inventory and Appraisal.	<u>Minute Order 6-6-14:</u> No appearances. Matter continued to 7-1-14. The Court orders Jeoffery Speer to be personally present on 6-6-14 if the inventory and appraisal has not been filed. A copy of the minute order was mailed to Mr. Speer on 6-13-14.
<b>Verified</b>		<u>Minute Order 7-1-14:</u> No appearances. The Court sets the matter for an Order to Show Cause on 8-12-14 regarding removal of Jeoffery Spper as administrator, failure to appear, and contempt. Jeoffery Speer is ordered to be personally present on 8-12-14. The minute order and Order to Show Cause were mailed to Mr. Speer on 7-11-14.
<b>Inventory</b>		<u>As of 8-7-14, nothing further has been filed.</u>
<b>PTC</b>		<u>Note:</u> The petition for probate estimated the estate value at \$341,893.00, including real and personal property.
<b>Not.Cred.</b>		1. Need I&A per Probate Code §8800 or verified written status report pursuant to local rules.
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		<b>Reviewed by:</b> skc
<b>Aff.Pub.</b>		<b>Reviewed on:</b> 8-7-14
<b>Sp.Ntc.</b>		<b>Updates:</b>
<b>Pers.Serv.</b>		<b>Recommendation:</b>
<b>Conf. Screen</b>		<b>File 13A – Speer</b>
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

**Order to Show Cause Re: Removal of Jeoffery Speer as Administrator; Failure to Appear; Contempt**

<b>DOD: 4-12-13</b>	<b>JEOFFERY SPEER</b> , son, was appointed Administrator with Full IAEA without bond on 11-18-13.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	Letters issued on 11-20-13.	
<b>Aff.Sub.Wit.</b>	The original petition estimated the estate value at \$341,893.00 in real and personal property; however, no Inventory and Appraisal has been filed.	<b>Note:</b> The I&A was due 4-18-14. The first account or petition for final distribution is due 1-16-15.
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>	At the hearing on 11-20-13, the Court set a status hearing for the filing of the Inventory and Appraisal for 4-18-14.	<b>Note:</b> The heirs to the estate are the decedent's six (6) children, all adults: - Jeoffrey Speer (Administrator) - Jeremiah Speer - Amber Speer - Daniel Speer - Garrison Speer - Ashley Speer
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>	No Inventory and Appraisal has been filed pursuant to Probate Code §8800, and Mr. Speer has not appeared at any of the status hearings or filed any status report pursuant to local rules.	<b>Note:</b> According to an internet query, the decedent's residence at 6645 E. Cornel in Fresno was sold in February 2014 for \$246,000.00. Although the Administrator was granted full authority under the IAEA, the Administrator is not in compliance with applicable law requiring inventory and appraisal of the estate assets within the required time frame.
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		<b>Note:</b> These Examiner Notes have been provided to the Fresno County Public Administrator.
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		<b>Reviewed by:</b> skc
<b>Order</b>		<b>Reviewed on:</b> 8-7-14
<b>Aff. Posting</b>		<b>Updates:</b>
<b>Status Rpt</b>		<b>Recommendation:</b>
<b>UCCJEA</b>		<b>File 18B – Speer</b>
<b>Citation</b>		
<b>FTB Notice</b>		